

NON-APPLICANT
CO APPLICANTS

Date 2/26/13

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT
NO./CUP NO.: R2010-01071-(3)

APPLICANT: Donald Haskin

LOCATION: 29153 Cragg Drive

Malibu Lake

Malibu

Zoned
District

Related zoning matters:

Conditional Use Permit No. 201100012
Environment Assessment No 201100019
Oak Tree Permit No. 201100011
APN 4462-005-022-and 023.

CUP(s) or VARIANCE No. Oak Tree Permit No. 201100011

Change of Zone Case No. APN 4462-005-022-and 023.

Other

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented with a check or money order, payable to the Board of Supervisors, with personal identification prior to the appeal deadline at 5:00 p.m. at the above address. (Appeal fees subject to change) Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426.

This is to appeal: (Check one)

☒ The Denial of this request 817.00*

☒ The Approval of this request 817.00*

*For Subdivisions \$130.00 of this amount is to cover the cost of the hearing of the Board of Supervisors

Briefly, explain the reason for the appeal (attach additional information if necessary):

See attached

x Patricia A Henkel
(Signed) Appellant

Patricia A Henkel
Print Name

1755 Lookout Drive
Address

Agoura, CA 91301
City/Zip

818 991-4053

Day Time Telephone Number

PatHenkel@earthlink.net

E-mail Address

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

2013 FEB 26 AM 11:30

MALIBU LAKESIDE POINTS FOR OUR APPEAL

1. The Commission's approval of this project was and is inconsistent with the County's adoption of the North Area Plan and the statutory provision of the Santa Monica Mountain Recreation Area in which it is located and the County's authorized design for the Malibu Lakeside subdivision.
2. Information provided to Regional Planning with respect to septic, oak tree report, fire safety, etc, may contain inaccurate and or inadequate information.
3. The proposed homes are out of character and size with the adjacent Malibu Lakeside Community as referenced by the Santa Monica Mountain North Area Plan
4. Changing the historical recreation use of the lots and the elimination of Malibu Lakeside's only usable open space violates the stated prime objective and goals of the North Area Plan. It's also our community only defensible open space.
5. The Mitigated Negative Declaration does not include adequate review.
6. There are serious environment issues impacting the potential development of the subject property warranting independent Environment Impact Report.

To Los Angeles County Appeal Office

Be apprised that the Malibu Lakeside Homeowners have a lawyer representing us for the process of the Appeal on Project R2010-01071-(3) address 291 Craggs Drive, Malibu Lakeside.

You may contact our lawyer in reference to this matter or Pat Henkel (president of MLHA)

Lawyer
Alyse M. Lazar
3075 East Thousand Oaks Blvd.
Thousand Oaks, Ca.
805 496 5390
Email: alyselazar.esq@verizon.net

Pat Henkel
1755 Lookout Drive
Agoura, Ca 91301
818 991-4053
Email pathenkel@earthlink.net



Las Virgenes Homeowners Federation, Inc.

Post Office Box 353, Agoura Hills, California 91301



*The **voice** and conscience of the Santa Monica Mountains for 45 years*

February 13, 2012

To: Regional Planning Commissioners (RPC):

Curt Pedersen, Chair

David W. Louie, Vice Chair

Esther L. Valadez

Harold V. Helsley

Pat Modugno

Re: Project No. R2010-0171-(3)/Conditional Use Permit 201100012

To authorize the construction of two single-family homes on two lots in the
R-R (Resort and Recreation) Zone.

The Las Virgenes Homeowners Federation (LVHF) requests DENIAL of the proposed project as-is and as referenced above.

We have several **concerns** that have still not been addressed:

We respectfully ask the RPC to continue to direct the applicant to re-design the project to be consistent with the North Area Plan (NAP) and **community character** of the Malibu Lakeside community.

The size and architecture of the proposed two home project is still incompatible within the neighborhood it is proposed. Viewshed protection and conservation easements have not been adequately assured.

Because this is a request for a discretionary permit for two homes in the Resort and Recreation Zone, goals of continued recreation need to be met and conditions need to be forcefully upheld.

Sincerely,
Kim Lamorie
President
LVHF

NON-APPLICANT
COMPLICANTE

Date 2-26-13

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT

NO./CUP NO.: R2010-01071-(3)

APPLICANT: DONALD HASKIN

LOCATION: 29153 CRAIGS DRIVE

Malibow Lake

Malibu

Zoned
District

Related zoning matters:

CUP(s) or VARIANCE No. CUP No. 201100012

Change of Zone Case No. OAK TREE Permit No. 201100011
APN 4462-005-022 and 023

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see attached page one and two

x
(Signed)

Mary E. Wiesbrock / Save Open Space
Santa Monica Mountains

Appellant

for

MARY E. WIESBROCK / SAVE Open Space/

Print Name

Santa Monica
Mountains

Box 1284

Address

Agoura, CA 91376

City/Zip

818-991-1939

Day Time Telephone Number

MARYwiesbrock@sbcglobal.net

E-mail Address

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

2013 FEB 26 AM 11:30

We respectfully request the Los Angeles County Board of Supervisors overturn the decision of the Regional Planning Commission, deny the Conditional Use Permit (CUP), Oak Tree Permit, and find that the Mitigated Negative Declaration was an incorrect document to prepare for this project under the California Environmental Quality Act (CEQA.)

The Commission's approval of this project was and is inconsistent with the County's General Plan, its adopted North Area Plan, the statutory provisions of the Santa Monica Mountains National Recreation Area in which it is located, and the County's authorized design for the Malibu Lakeside subdivision. The massive estate homes proposed for this Resort-Recreation zoned property are inconsistent with the planned use of this property as a quasi-public recreation area for this subdivision and with the community character and home size for the Malibu Lakeside subdivision within which this property is located. Changing the historical recreational zoning and use of the property and eliminating Malibu Lakeside's only usable open space-type recreation area violates the stated prime objective and goal of the North Area Plan.

Approval of this project is inconsistent with the County's ordinances and policies regarding fire safety and limitations on development in high fire hazard areas with insufficient roadways; building and safety restrictions regarding the treatment/handling of materials following the demolition of buildings; and health and public safety issues pertaining to septic systems and flooding. As the subdivision's community center, this land has an ongoing and historical use as the community's only defensible open space in an event of major evacuation.

We assert that the Regional Planning Commission erred in its conclusions made in its Findings, including but not limited to paragraph 15. Based on the totality of the evidence submitted and contained in the record, this project will adversely affect the health, comfort, and welfare of surrounding residents and will be detrimental to the use, enjoyment and value of surrounding properties and will constitute a hazard to public health and safety. It will jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

A "Fair Argument" has been made based on the evidence presented that this project may foreseeably result in at least one, if not more, potentially significant environmental impacts that have not been mitigated to less than a significant level. Therefore, CEQA requires the preparation of an EIR to fully evaluate and disclose these impacts to the on-site jurisdictional wetlands; the endangered wildlife (mountain lions) who utilize this property for safe passage to and from Malibu Lake; the health and safety risks of flooding and contamination to neighboring properties and water bodies (based on undisclosed information regarding materials dumped on the site and the hydrology and geology of the site); the need to provide 2 septic systems on site for this new use; impacts to the TMDL of Triunfo Creek and sediment issues for Malibu Lake; increased fire safety hazards in this National Park area; and insufficient recreation area for the Malibu Lakeside subdivision. The Mitigated Negative Declaration (MND) does not provide adequate environmental review. Based on evidence presented by the public and/or in the County's possession, it is apparent that the MND relied upon incomplete and inadequate information regarding septic, the oak tree report, fire safety, and on-site hazards and the location of easements impacting proposed dedications. The independent preparation of an EIR is necessary in order for the County to comply with CEQA.

Project approval is in violation of CEQA, the California Endangered Species Act (CESA) and the State's guidelines and regulations for septic systems, and consultation requirements with Fish and Game.

The public was denied a full and fair public hearing before the Commission due to the fact that the County failed to provide the public with information requested through Public Records Act requests pertaining to issues including, but not limited to, the property's hydrology and geology. As applicant's counsel affirmed at the final Commission hearing, this extra-record evidence was relied upon and formed the basis for the recommendation of County staff to approve this project.

For all of these reasons, the approvals of the CUP, Oak Tree Permit, and MND must be reversed and the project denied as inconsistent with the health, welfare and safety of the existing community.

We respectfully request the Los Angeles County Board of Supervisors overturn the decision of the Regional Planning Commission, deny the Conditional Use Permit (CUP), Oak Tree Permit, and find that the Mitigated Negative Declaration was an incorrect document to prepare for this project under the California Environmental Quality Act (CEQA.)

The Commission's approval of this project was and is inconsistent with the County's General Plan, its adopted North Area Plan, the statutory provisions of the Santa Monica Mountains National Recreation Area in which it is located, and the County's authorized design for the Malibu Lakeside subdivision. The massive estate homes proposed for this Resort-Recreation zoned property are inconsistent with the planned use of this property as a quasi-public recreation area for this subdivision and with the community character and home size for the Malibu Lakeside subdivision within which this property is located. Changing the historical recreational zoning and use of the property and eliminating Malibu Lakeside's only usable open space-type recreation area violates the stated prime objective and goal of the North Area Plan.

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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 13, 2013

Donald Haskin
2678 Thunderbird Drive
Thousand Oaks, CA 91362

REGARDING: Project Number R2010-01071-(3)
Conditional Use Permit No. 201100012
Environmental Assessment No. 201100019
Oak Tree Permit No. 201100011
APN: 4462-005-022 and 023

The Regional Planning Commission, by its action of **February 13, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **February 27, 2013**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Jarod Nygren of the Field Offices Section at (818) 880-3799, or by email at jnygren@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Annie Lin, Supervising Regional Planner
Field Offices Section

CC.060412